



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 17, 1996

Mr. Walter Norris, Jr.  
Executive Director  
Galveston Housing Authority  
4700 Broadway  
Galveston, Texas 77551

OR96-0967

Dear Mr. Norris:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40178.

The Galveston Housing Authority (the "GHA") received two requests for various information concerning its purchase of the Port Holiday Apartments. You submitted to this office a copy of the closing documents associated with the purchase of the apartments and the short term loan provided to the GHA by the Housing Authority Risk Retention Group. You raise sections 552.101, 552.103, 552.104, and 552.105 of the Government Code as exceptions to the required public disclosure of the requested information. You also assert that "because the property was not purchased or financed through the use of public funds," the information associated with the purchase of the apartments is exempted from the Open Records Act.

The Open Records Act applies to information maintained, collected, or assembled by a "governmental body" or for a "governmental body" as that term is defined in section 552.003(a) of the Government Code. See Gov't Code § 552.021. Section 552.003(a) defines "governmental body" in relevant part as

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds.

You have provided no information to establish that the GHA is not a governmental body under the Open Records Act. In particular, you do not allege that the GHA is not supported by public funds. We do not believe that the fact that GHA purchased a particular piece of property without the use of public funds or the fact that the purchase was not financed through the use of public funds destroys the character of GHA as a governmental body under the Open Records Act.

We turn to the exceptions you raise. The Open Records Act (the "act") presumes that information maintained by a governmental body is open to the public unless the information is within one of the exceptions set out in Subchapter C of that act. *See* Gov't Code §§ 552.021. If a governmental body wishes to withhold particular information from required public disclosure, it must establish that a particular exception applies to the information. *See id.* § 552.301(b). If a governmental body does not establish how and why an exception applies to the requested information, the attorney general has no basis on which to pronounce it protected from required public disclosure. *See* Open Records Decision No. 363 (1983).

As you have not explained why the exceptions you raise apply to the closing documents and the short term loan, we lack a legal reason to conclude that the GHA may withhold the requested information from required public disclosure. Accordingly, the GHA must release this information to the requestor.

You did not submit copies of any other requested information to this office. We therefore assume that all other requested information has been or will be released to the requestor. Furthermore, we understand that Mr. Donald R. Shephard, GHA Finance Director, informed the requestor that copies of certain travel expenses as well as reports on occupancy and audited financial reports for the apartments are not excepted from public disclosure by statute.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 40178

Enclosures: Submitted documents

cc: Mr. Robert Lucey  
Staff Reporter  
The Galveston County Daily News  
P.O. Box 628  
Galveston, Texas 77553  
(w/o enclosures)